

**REMARKS/ARGUMENTS**

(Set forth an explanation of the changes made, such as, "In the specification, paragraph [0004] has been amended to correct minor editorial problems" or "In amended FIG. 15, the reference numeral "178" has been changed to --176-- in order to eliminate redundancy with previously used reference numerals. No new matter has been added.")

The Office Action mailed December 28, 2005, has been received and reviewed. Claims 1 through 7, and 9 through 21 are currently pending in the application. Claims 1 through 7, and 9 through 21 stand rejected. Applicant has amended claims 1, 12, and 17, and respectfully requests reconsideration of the application as amended herein.

**Objections to Claims**

Claims 1, 12, and 17 stand rejected because of informalities. Applicant has amended the claims as required by the Examiner. In view of the foregoing amendments, Applicant requests withdrawal of the present objections.

**35 U.S.C. § 103(a) Obviousness Rejections**

Obviousness Rejection Based on U.S. Patent Publication No. 2002/0058193 to Tosaka et al. in View of Japan Patent No. 2002-123147 to Miura et al.

Claims 1, 3, 4, 9 through 12, 14 through 18, 20 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tosaka et al. (U.S. Patent Publication No. 2002/0058193) in view of Miura et al. (Japan Patent No. 2002-123147). Applicant respectfully traverses this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Independent claims 1, 12, and 17 require methods and systems that require a first setting to deliver a partial amount of color toners to a target media and to increase a speed of a fuser roller in said electrophotographic image-forming device, and a second setting to

deliver complete amount of color toners to said target media. As previously acknowledged by the Examiner, Tosaka et al. does not disclose all of these elements and, in particular, the increase of the speed of the fuser roller in conjunction with and as part of a first setting that delivers a partial amount of color toners, followed by a second setting to delivery complete amount of color toners. Miura et al. is relied upon as teaching an image forming device in which the driving speed of a fixing roller is increased for the purpose of securely clamping the recording paper while isolating the sediment of toner and dust on the surface of a recording paper. As discussed in the Abstract of Miura et al., this increased driving speed step occurs after all printing steps are completed and is intended to solve the problem of overdeposition of toners on the media. The device is adapted to solve the problem of a single deposition step having only one output terminal setting which results in large lumps that appear on recording material and that soil the image. This problem is expressly overcome by clamping the recording paper to isolate the sediment of toner and dust, so that a single deposition step can be maintained in the process and system. As such, the device and methodology described in Miura et al. teaches away from the present invention by altering a printing system so that a single deposition step can be preserved without “adding a special part” or process step to the image forming device.

Additionally, because Miura et al. discusses alteration of an image forming device that can be used with a single deposition step and without modifying the device by providing a first set of image output terminal settings delivering a partial amount of toners while increasing the speed of a fuser roller, and then subsequently providing a second set of image output terminal settings, there is no motivation or suggestion to combine Miura et al. with Tosaka et al.

The nonobviousness of independent claims 1, 12, and 17 preclude a rejection of claims 3, 4, 9-11, 14-16, 18, 20 and 21 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03.

Therefore, in view of the amendments and arguments, the Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejections to the claims based on Tosaka et al. in view of Miura et al.

Obviousness Rejection Based on U.S. Patent Publication No. 2002/0058193 to Tosaka et al. in View of Japan Patent No. 2002-123147 to Miura et al., and Further in View of U.S. Patent No. 6,002,893 to Caruthers, Jr. et al.

Claims 2, 5 through 7, 13, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tosaka et al. (U.S. Patent Publication No. 2002/0058193) in view of Miura et al. (Japan Patent No. 2002-123147), as applied to claims 1, 12, and 17 above, and further in view of Caruthers, Jr. et al. (U.S. Patent No. 6,002,893). Applicant respectfully traverses this rejection, as hereinafter set forth.

Claims 2, 5-7, and 9-11 depend from and contain all of the limitations of independent claim 1. Claims 13 and 19 depend from and contain all of the limitations of independent claims 12 and 17, respectively. As previously discussed, the combination of Tosaka et al. and Miura et al. do not teach or suggest the limitations of independent claims 1, 12, and 17, and in fact, teach away from the invention recited in those claims. Additionally, there is no motivation or suggestion to combine those references. Caruthers, Jr. et al. is relied upon as disclosing the addition of one or more colors selected from red, blue and green or CMY pigments to increase the pigment load by about 1 to 200 percent. Caruthers, Jr. et al. does not overcome the shortcomings of Tosaka et al. and Miura et al. The nonobviousness of independent claims 1, 12, and 17 preclude a rejection of claims 2, 5-7, and 9-11 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03.

In view of the foregoing, the Applicant respectfully requests withdrawal of the present obviousness rejection.

#### **ENTRY OF AMENDMENTS**

The amendments to claims 1, 12, and 17 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

**CONCLUSION**

Claims 1-7 and 9-21 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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